

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HEALTHCARE MANAGEMENT SOLUTIONS, INC.,	)	
	)	8:07CV5
Plaintiff,	)	
	)	ORDER
v.	)	
	)	
KENT HARTLE and PHYSICIANS MEDICAL BILLING, INC.,	)	
	)	
Defendants.	)	

This matter is before the court on the motion of Michael B. Kratville to withdraw as counsel for Healthcare Management Solutions, Inc. (Filing No. 31). Mr. Kratvill states irreconcilable differences have arisen requiring his withdrawal.

The court notes no substitute counsel has appeared in this matter for Healthcare Management Solutions. The Eighth Circuit has held that “the law does not allow a corporation to proceed *pro se*.<sup>1</sup> **Ackra Direct Mktg. Corp. v. Fingerhut Corp.**, 86 F.3d 852, 857 (8th Cir. 1996); **see also United States v. Van Stelton**, 988 F.2d 70, 70 (8th Cir. 1993) (noting that a corporation may not appear *pro se*); **Carr Enters., Inc. v. United States**, 698 F.2d 952, 953 (8th Cir. 1983) (noting “[i]t is settled law that a corporation may be represented only by licensed counsel”). In fact, according to the Eighth Circuit, a corporation is technically in default as of the date its counsel is permitted to withdraw from the case without substitute counsel appearing. **Ackra Direct**, 86 F.3d at 857. Under the circumstances, the court concludes counsel shall not be given leave to withdraw as attorney for Healthcare Management Solutions, Inc. until substitute counsel has entered an appearance or other order of the court. Healthcare Management Solutions, Inc. shall have an opportunity to obtain substitute counsel.

Accordingly,

**IT IS ORDERED:**

1. Michael B. Kratville's motion to withdraw as counsel for Healthcare Management Solutions, Inc. (Filing No. 31) is held in abeyance until October 11, 2007.
2. Healthcare Management Solutions, Inc. shall have substitute counsel enter an appearance on its behalf **on or before October 11, 2007**. If Healthcare Management Solutions, Inc., fails to have substitute counsel enter an appearance by that date the court may allow Mr. Kratville to withdraw and the court may enter a default judgement, pursuant to Fed. R. Civ. P. 55.
3. Michael B. Kratville shall serve a copy of his motion and this order on Healthcare Management Solutions, Inc., and file a certificate of service therefore.

DATED this 12th day of September, 2007.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge